

REMARKS

Claim Amendments

Claim 1 is cancelled without prejudice or disclaimer. Claim 4 is rewritten in independent form and the lustrous pigments are defined with more particularity. This same amendment was also done in independent claims 19 and 22.

The Rejections Under Section 102

Claims 1, 3-5, 8-9, 11 and 13-23 have been rejected as allegedly anticipated by GB 1587894.

The Office Action alleges that the filler particles of the reference, e.g., talk, kaolin, mica, and glass, are pigments that would inherently possess glitter effect.

Applicants respectfully disagree. The above materials are *filler* particles as taught by the reference at, e.g., page 2, lines 28-33, and are not pigments. These same filler particles may be used as *substrates* for lustrous pigments, are not lustrous pigments themselves. For example, for these substrates to act like lustrous pigments, at least one layer of a material having a higher refractive index than the substrate itself is required on the substrate. See, e.g., US Patent 4,434,010. The reference does not teach layers coated on these particles to form lustrous pigments.

Additionally, upon information and belief, the refractive index of these fillers is about 1.5, which is close to the refractive index of most plastic substances. Thus, contrary to the allegation that these fillers would possess glitter effect in the claimed composition, they would not have optical action when compared to most plastic materials, and would not have the claimed metallic or strongly light-refracting properties.

In order for a reference to anticipate it must disclose all material elements of the claimed invention. See *IN re Marshall*, 578 F.2d 301, 198 USPQ 344 (CCPA 1978). This reference does not do so. Reconsideration is respectfully requested.

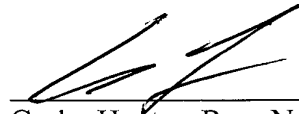
The Rejections Under Section 103

Claims 7 and 12 have been rejected as allegedly unpatentable over GB 1587894.

The allegation is that the reference does not teach amounts of the glass beads. However, these claims are dependent on the claims discussed above, and nothing in the reference teaches the presence of pigments. Thus, these claims are not obvious for the reasons discussed above.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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